

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2006 APR 12 P 12:07

CIVIL ACTION NO. 04-10493 GAO

U.S. DISTRICT COURT
DISTRICT OF MASS.

MANUEL ROSA
Plaintiff,

v.

CITY OF BOSTON
Defendant,

PLAINTIFF MANUEL ROSA'S LOCAL RULE 56.1
STATEMENT OF FACTS

Pursuant to Fed. R. Civ. P. 56, the Plaintiff, Manual Rosa, hereby directs the Court to following Statement of Facts in accordance with Local Rule 56.1 and further incorporates by reference and accepts the Defendant City of Boston's Statement of Facts in part, specifically, paragraphs 1 thru 32, 36 thru 38 and 59 thru 67.

Facts concerning the Plaintiff's alleged Emotional Distress

1. The Plaintiff was physically harmed as a result of the arrests by members of the Boston Police Department. Exhibit '1', Affidavit in Opposition to City of Boston's Motion for Summary Judgment, and Exhibit '2', Plaintiff's Amended Answers to Defendant City of Boston's First Set of Interrogatories.


Facts concerning the Boston Police Department's Booking Procedure

2. When an individual is arrested by the Boston Police, the 'booking policy' or practice fails to set forth a procedure to verify the true identity of the arrested individual. Exhibit '3', Boston Police Rules and Procedures March 18, 1990 and May 26, 1995 editions.

3. The Boston Police 'booking practice' or policy as it relates to the arrest of an individual claiming not to be the person sought by the warrant, fails to set forth a procedure to verify whether the person in custody is in fact the same person previously arrested on the pending charges. The booking procedure merely gathers information about the arrested individual, i.e. personal information, injuries, scars, photographs and fingerprints are taken, etc. .

No effort or procedure is in place to verify whether the police have arrested the wrong man. See Defendant City of Boston's Statement of Facts paragraphs 59 thru 67. Exhibit '4', Boston Police Officer Michael Connolly's Affidavit dated January 30, 2006.

Respectfully submitted,
Plaintiff, Manuel Rosa
By his attorney,


Arthur L. Kelly
580 Washington Street, Suite 2B
Newton, MA 02458
(617) 969-6724
BBO # 545186